

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JAMES NEWTON, II,	)	
	)	
Plaintiff,	)	8:06CV242
	)	
vs.	)	ORDER
	)	
STANDARD CANDY COMPANY, INC.,	)	
	)	
Defendant and	)	
Third Party Plaintiff,	)	
	)	
vs.	)	
	)	
JIMBO'S JUMBOS, INC.,	)	
	)	
Third Party Defendant.	)	

This matter is before the court after a telephone conference with counsel for the parties on September 25, 2006. Upon consideration of the parties' discussion regarding changing the place of trial,

**IT IS ORDERED:**

1. The plaintiff shall have to **on or before October 2, 2006**, to file an affidavit and brief in support of a change of place of trial from Omaha, Nebraska.
2. The defendants shall have to **on or before October 10, 2006**, to file a response. Whereupon the issue will be decided in accordance with NECivR 40.1.
3. A telephone conference with the undersigned magistrate judge will be held **on October 30, 2006, at 3:00 p.m. Central Standard Time** for the purpose of reviewing the preparation of the case to date and the scheduling of the case to trial. Plaintiff's counsel or plaintiff shall initiate the call.

DATED this 25th day of September, 2006.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge